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2                   IN THE UNITED STATES DISTRICT COURT FOR THE  
3                   WESTERN DISTRICT OF MISSOURI  
4                   SOUTHERN DIVISION

5                   UNITED STATES OF AMERICA,            ) Case No. 14-03104-01-CR-S-MDH  
6    )    )  
7                   Plaintiff,                            ) Springfield, Missouri  
8    ) December 4, 2014  
9                   v.                                        )  
10    )  
11                   SCOTT GOODWIN-BEY,                 )  
12    )  
13                   Defendant.                            )  
14    )  
15                   \_\_\_\_\_ )

16                   TRANSCRIPT OF PRELIMINARY AND DETENTION HEARING  
17                   BEFORE THE HONORABLE DAVID P. RUSH  
18                   UNITED STATES MAGISTRATE JUDGE

19                   APPEARANCES:

20                   For the Plaintiff:                   James J. Kelleher, Esq.  
21    Assistant United States Attorney  
22    901 St. Louis St., Ste. 500  
23    Springfield, MO 65806  
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25                   For the Defendant:                  Michelle Moulder, Esq.  
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                  Court Audio Operator:               Ms. Kerry Schroepfel

                  Transcribed by:                    Rapid Transcript  
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                  Proceedings recorded by electronic sound recording, transcript  
                  produced by transcription service.

1 (Court in Session at 9:06 a.m.)

2 THE COURT: Calling in *United States vs. Scott Goodwin-*  
3 *Bey*. The defendant is present in the courtroom along with his  
4 attorney, Ms. Michelle Moulder. The United States is present in  
5 the courtroom represented by Assistant United States Attorney,  
6 Mr. Jim Kelleher. This matter is set this morning for a  
7 preliminary hearing and detention hearing in regard to the  
8 criminal complaint, which was filed on December 1<sup>st</sup> of 2014. In  
9 regard to the preliminary hearing portion of the proceeding, the  
10 Court will take note of its own file, which includes the  
11 affidavit in support of the criminal complaint filed on December  
12 1<sup>st</sup>, 2014. The Court would note for the record that ATF Task  
13 Force Officer Robert McPhail, who is the affiant in regard to the  
14 criminal complaint, is also present in the courtroom for these  
15 proceedings. The Court will take note of that same affidavit in  
16 regard to detention and the information contained in the Pretrial  
17 Services Report, which was authored by Missy Potter. Kathy  
18 Prater, with the United States Probation Office, is present in  
19 the courtroom for these proceedings. The Court will also note  
20 that the United States has also filed a written motion for  
21 pretrial detention. Mr. Kelleher, with all that information  
22 before the Court, do you have any evidence by way of witness or  
23 proffer that you want to present on either the issue of probable  
24 cause or detention?

25 MR. KELLEHER: With regard to probable cause, no, Your

1 Honor. However, I'd ask the Court to take judicial notice of Mr.  
2 Goodwin-Bey's prior criminal cases that have come before the  
3 court within the last five to ten years.

4 THE COURT: All right. Thank you, Mr. Kelleher. And  
5 the Court, I believe those convictions and criminal history is  
6 noted in the Pretrial Service Report. Is that correct?

7 MR. KELLEHER: Yes, sir.

8 THE COURT: All right. Ms. Moulder, on behalf of Mr.  
9 Goodwin-Bey, do you have anything that you'd like to present on  
10 either issue this morning, probable cause or detention?

11 MS. MOULDER: No evidence, Your Honor. We would just  
12 ask the Court to consider releasing him on bond. We do believe  
13 that the Court could fashion some conditions that would assure  
14 both the safety of the public, and the other thing I would note  
15 is that Mr. Goodwin-Bey would like for the Court to know that  
16 he's not a flight risk and would ask the Court to consider again  
17 imposing conditions. He would like to be out so he could work  
18 and be able to support himself pending resolution of this case.

19 THE COURT: All right. Thank you, Ms. Moulder.

20 MS. MOULDER: Thank you.

21 THE COURT: Well, for the record, I will find probable  
22 cause to believe that the violation has been committed and order  
23 that the matter be held for grand jury or other appropriate  
24 proceedings. I have reviewed, of course, the affidavit in  
25 support of the criminal complaint and the Pretrial Services

1 Report, and I will reduce my order to a written order. But  
2 there's no doubt in the Court's mind that the defendant is both a  
3 flight risk and a danger to the community, and I will find by a  
4 preponderance of the evidence that the defendant is a flight  
5 risk, and by clear and convincing evidence, that he's a danger to  
6 the community, and I will reduce that to a written order in the  
7 next several days. But I do intend to file a written order  
8 detaining the defendant, and I will find both flight risk and  
9 danger to the community. Is there anything further from either  
10 side?

11 MS. MOULDER: No, Your Honor.

12 MR. KELLEHER: No, Your Honor. Thank you.

13 THE COURT: All right. Thank you. With that, we'll be  
14 in recess.

15 (Court Adjourned at 9:09 a.m.)  
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9 I certify that the foregoing is a correct transcript  
10 from the electronic sound recording of the proceeding in the  
11 above-entitled matter.

12 /s/ Lissa C. Whittaker  
13 Signature of transcriber

April 23, 2015  
Date